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November 1, 2022

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Investigation into Conservation Service Provider and Other Third Party Access to Electric Distribution Company Customer Data – Docket No. M-2021-3029018

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission are the Comments of the Retail Energy Supply Association (“RESA”) regarding the September 6, 2022 Secretarial Letter in the above-referenced proceeding. Copies to be served in accordance with the attached Certificate of Service.

Sincerely

*Sarah C. Stoner*

Sarah C. Stoner, Esq.

SCS/lww

Enclosure

cc: Jeff McCracken, Bureau of Technical Services (via email)  
Scott Thomas, Law Bureau (via email)  
Christian McDewell, Law Bureau (via email)  
Cert. of Service w/enc.

## CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of RESA's Comments upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

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Dated: November 1, 2022

*Sarah C. Stoner*  
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Sarah C. Stoner, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation into Conservation Service :  
Provider and Other Third Party Access to : Docket No. M-2021-3029018  
Electric Distribution Company Customer :  
Data :

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**COMMENTS OF  
THE RETAIL ENERGY SUPPLY ASSOCIATION**

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Date: November 1, 2022

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## I. INTRODUCTION

The Pennsylvania Public Utility Commission (“Commission”) entered a Secretarial Letter initiating a new proceeding to review potential avenues for Conservation Service Providers (“CSPs”) and other third parties to obtain access to customer meter data electronically from electric distribution companies (“EDCs”) in February 2022 (“February 2022 Secretarial Letter”). The February 2022 Secretarial Letter contains questions posed by stakeholders and Commission staff on various topics associated with potential pathways for CSPs and other third parties to access customer meter data. Pursuant to the February 2022 Secretarial Letter, the Retail Energy Supply Association (“RESA”)<sup>1</sup> filed written comments with the Commission regarding third party access to customer meter data on May 5, 2022. On September 6, 2022, the Commission issued another Secretarial Letter reflecting that the Commission has additional questions regarding potential pathways to be created for CSPs and other parties to access customer data (“September 2022 Secretarial Letter”).

RESA is an association of electric generation suppliers (“EGSs”) that include member companies licensed and operating in Pennsylvania as well as throughout the country. RESA appreciates this opportunity to provide additional input given the critical importance that fair and workable data access practices play in creating a robust and sustainable competitive market for the benefit of consumers. RESA provides recommendations regarding some of the topics

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<sup>1</sup> The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org).

identified in the September 2022 Secretarial Letter as well as other topics that it recommends be addressed in the evaluation of potential pathways for CSPs and other third parties to access customer meter data.

RESA does not oppose unlicensed third parties being provided access to customer meter data so long as they are required to safeguard customer information in a consistent and transparent manner. RESA's recommendations are intended to achieve a balance between protection of customer meter data and equitable standards for third parties. If unlicensed third parties are granted access to customer meter data, the Commission should promulgate regulations or establish interim guidelines that direct EDCs to impose uniform requirements on the third parties seeking access to customer meter data. If the Commission decides to grant unlicensed third parties access to customer meter data, RESA encourages the Commission to require that: (1) entities without specific customer authorization be limited to accessing anonymized customer meter data; and (2) entities with specific customer authorization be provided customer meter data on a statewide uniform basis.

If unlicensed third parties are granted access to customer meter data, RESA supports the Commission's development of regulations or statewide guidelines that include an audit that evaluates whether a third party properly obtains customer authorizations to access the customer meter data. The audit policy could include a tiered approach for penalties for failure to abide by customer authorization requirements. RESA submits that accountability and auditing requirements are vitally important to safeguard customer meter data.



## **II. COMMENTS REGARDING THIRD PARTY ACCESS TO CUSTOMER METER DATA**

### **A. Uniform Requirements for Unlicensed Third-Party Data Access**

As explained in further detail in RESA's May 5, 2022 Comments, if the Commission decides to afford unlicensed third parties access to customer meter data, a consistent approach to govern unlicensed third-party access to customer meter data is critically important to safeguard customer meter data.<sup>2</sup> As non-EGS entities are unlicensed and not subject to the same regulatory oversight as EGSs, precautions are necessary to ensure that consumers are protected. RESA reiterates its recommendation that the Commission promulgate regulations or establish interim guidelines that require EDCs to impose uniform requirements, such as financial security and insurance requirements, on unlicensed third parties seeking access to customer meter data.<sup>3</sup>

### **B. Recommendations Regarding Customer Meter Data to be Provided to Authorized Third Parties**

The Commission's September 6, 2022 Secretarial Letter asks what specific customer electric usage data stakeholders believe EDCs should have available to reasonably be released to third parties.<sup>4</sup> If the Commission decides to afford unlicensed third parties access to customer meter data, the Commission should establish separate procedures for access to anonymized data and access to customer-specific data. RESA firmly believes that entities without specific customer authorization should be limited to anonymized customer data. If the Commission decides to afford unlicensed third parties

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<sup>2</sup> RESA Comments at 6-8.

<sup>3</sup> RESA Comments at 2, 8-9.

<sup>4</sup> September 6, 2022 Secretarial Letter at 2; Question No. 9.

access to customer specific data, it should permit EDCs to provide unlicensed entities (that have specific authorization) only customer meter data. RESA submits that, if the Commission decides to grant unlicensed entities access to customer meter data, that it should be provided in a uniform format. Under no circumstances should an unlicensed third party receive more information from an EDC than what is provided to licensed EGSs.

RESA submits that EDCs should be required by the Commission to maintain records regarding the third-party entities that request and are granted access to customer meter data. On an annual basis, EDCs should be required to provide the Commission a report containing a list of the unlicensed third-party entities granted access to customer meter data, the type of entity, and whether anonymized data or customer specific data was provided to the entity.

### **C. Internal Audits of Third Parties Accessing Customer Meter Data**

In the September 6, 2022 Secretarial Letter, the Commission raised the Third-Party Data Access Tariffs presented in the Joint Petition for Partial Settlement (“Joint Petition”) in FirstEnergy’s most recent default service proceeding.<sup>5</sup> In that proceeding, the Joint Petitioners agreed that FirstEnergy would adopt the Third-Party Data Access Tariffs to establish standard rules for customer meter data access and ensure that

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<sup>5</sup> September 6, 2022 Secretarial Letter at 2. See *Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company for Approval of Their Default Service Programs*, Docket Nos. P-2021-3030012, P-2021-3030013, P-2021-3030014, and P-2021-3030021 at 22 (Joint Petition for Partial Settlement (filed April 20, 2022) and Order approving the Joint Petition (August 4, 2022)). See Third-Party Data Access Tariffs in Exhibits G-1 to G-4 to the Joint Petition. Please note that RESA did not oppose the Joint Petition.

authorized third parties responsibly handle customer meter data. The Joint Petitioners agreed that: (1) FirstEnergy would implement a standard form of authorization for all new requests from third parties seeking customer meter data pursuant to the Third-Party Data Access Tariffs; and (2) that FirstEnergy companies will conduct periodic, randomized internal audits of the third parties that access customer meter data.<sup>6</sup> The audits would ensure that letters of authorization are being properly obtained by the third parties when seeking data access. The audits are to occur semi-annually and are to include at least 10% of active participants governed by the Third-Party Data Access Tariffs. As reflected in the Joint Petition, third parties that are noncompliant are to be permanently restricted by First Energy from further access to customer meter data under the tariff.<sup>7</sup>

If the Commission decides to create a pathway for unlicensed third parties to access customer meter data, RESA urges the Commission to develop regulations or statewide guidelines that include an audit policy that clearly delineates enforcement rights in the event a third party fails to properly obtain customer authorizations. RESA encourages the Commission to use FirstEnergy’s audit policy as a base to develop a tiered approach of consequences to be imposed on participants for failure to adhere to authorization requirements. Robust accountability and auditing requirements are necessary to safeguard customer meter data. As the Commission’s Chapter 56 regulations obligate EDCs to employ all reasonable measures to safeguard customer

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<sup>6</sup> The Third-Party Data Access Tariffs will become effective June 1, 2023.

<sup>7</sup> Joint Petition at 23.

information, the Commission could consider requiring EDCs to impose a fine or financial penalty for failure to adhere to authorization requirements. RESA continues to believe that the ability to terminate a third-party's access to customer meter data is a powerful deterrent that will help ensure third parties will not misuse customer meter data.

Consequently, if the Commission decides to permit unlicensed third parties with access to customer meter data held by EDCs (with customer consent), the Commission should mandate that EDCs implement uniform tariff provisions, including an audit provision with clear accountability and enforcement provisions.

### **III. CONCLUSION**

RESA appreciates this opportunity to provide additional comments regarding this proceeding and looks forward to offering insight to the Commission during its evaluation of potential pathways for unlicensed third parties to gain access to customer meter data electronically from electric distribution companies.

Respectfully submitted,



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